



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,302	03/31/2004	Alan Liu	8211-29	7289

7590 06/16/2005

COUDERT BROTHERS LLP

Two Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306

EXAMINER

HARRIS, ANTON B

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/815,302

Applicant(s)

LIU ET AL.

Examiner

Anton B. Harris

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (6,351,372).

Regarding claim 1, Kim (col. 3, line 1 - col. 4, line 4) discloses an electronic device (10) comprising a shell 10 having a front 20, a back (figure 5), a right side (figure 5), a left side (figure 5), a top (figure 5), and a bottom (figure 5) having insufficient cross-sectional area to adequately support said shell 10, a pair of legs 26 having an upper end (figure 5) mounted to the back (figure 5) and a lower end (figure 5) to provide support to allow said shell 10 to be freestanding, the back (figure 5) having an elongated slot 28 adjacent each of the right (figure 5) and left (figure 5) sides and shaped to receive one of said legs 26 and an axle (figure 5) fixedly attached to the right (figure 5) and left (figure 5) sides to enable each of said legs 26 to rotate from a stored position (figure 5) within said slots 28 in the back (figure 5) to an extended position (figure 5).

Regarding claims 2 and 4, Kim (col. 3, line 1 - col. 4, line 4) discloses that a spring (figure 5) is mounted on each of said axles (figure 5) to cause each of said legs 26 to rotate out from said slots 28.

Regarding claim 3, Kim (col. 3, line 1 - col. 4, line 4) discloses a freestanding device comprising a shell 10 having a front 20, a back (figure 5), a right side (figure 5), a left side (figure 5), a top (figure 5), and a bottom (figure 5) having insufficient cross-sectional area to adequately support said shell 10, a right leg 26 and a left leg 26, each leg having an upper end (figure 5) respectively mounted to the back (figure 5) of the shell 10 adjacent to each of the right (figure 5) and left (figure 5) sides and a lower end (figure 5) to provide support to allow said shell 10 to be freestanding, the back (figure 5) having an elongated slot 28 adjacent each of the right (figure 5) and left (figure 5) sides and shaped to receive one of said legs 26 and an axle (figure 5) fixedly attached to the right (figure 5) and left (figure 5) sides to enable each of said legs 26 to rotate from a stored position (figure 5) within said slots 28 in the back (figure 5) to an extended position (figure 5).

Regarding claim 6, Kim (col. 3, line 1 - col. 4, line 4) discloses that the lower end (figure 5) of each leg 26 rests flat against the resting surface (figure 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

Art Unit: 2831

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Domeier (5,161,771).

Regarding claim 5, Kim (col. 3, line 1 - col. 4, line 4) discloses that a gear bracket (figure 5) is mounted to the back (figure 5) adjacent each of the right (figure 5) and left (figure 5) sides, the upper end of each of the legs 26 has a gear 58a engageable with the respective gear brackets (figure 5), and a control button (figure 5) on each the right (figure 5) and left (figure 5) sides for allowing each of the legs 26 to move from a stored position (figure 5) within said slots 28 to an extended position (figure 5) as a result of the combined action of said spring (figure 5) and said gear 58a and gear bracket (figure 5) and to place the amplifier in a tilt back position with respect to a resting surface (figure 5), but lacks a tilted amplifier.

Domeier (figure 1) teaches a tilted amplifier 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kim by providing a tilted amplifier in order to improve the acoustical effects in view of the teachings of Domeier.

Regarding claim 7, Kim (col. 3, line 1 - col. 4, line 4) discloses that a leg 26 locking device (figure 5) is mounted on the back (figure 5) adjacent to each of said right (figure 5) and left (figure 5) sides, each of said legs 26 has a hole (figure 5) adjacent the lower end (figure 5), a bracket (figure 5) has an outside end (figure 5) and an inside end (figure 5), the outside end

Art Unit: 2831

(figure 5) of which is connected to each of the respective control buttons (figure 5) and the inside end (figure 5) of which is connected to each of the respective spindles (figure 5) so that when the button (figure 5) is pushed in each of said legs 26 slowly move from the stored position (figure 5) to the extended position (figure 5) by the action of said spring (figure 5).

Regarding claim 8, Kim (col. 3, line 1 - col. 4, line 4) discloses that each of said leg 26 locking devices (figure 5) comprises:

- (a) a housing (figure 5) within the back (figure 5) of said shell 10;
- (b) said bracket (figure 5); and
- (b) said spindle (figure 5) having an outside end within a hole (figure 5) when each of said legs 26 are in the stored position (figure 5), and an inside end (figure 5) attached to the inside end (figure 5) of said bracket (figure 5); so that when each of said control buttons (figure 5) is pushed inwardly, said spindle (figure 5) is moved inwardly within the housing 10 causing the outside end of said spindle (figure 5) to move from the hole (figure 5) to release each of said legs 26 to open position (figure 5) as a result of the action of said spring (figure 5), and when each of said legs 26 are pushed within the respective slots 28, the legs 26 rotate on the respective axles (figure 5) compressing each of the springs (figure 5) until the hole (figure 5) is aligned with the outside end of the spindle (figure 5) to cause the outside end (figure 5) to enter each of the holes (figure 5) during the stored position (figure 5).

Conclusion

Art Unit: 2831

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr.

Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

6/13/05


DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800